

**ATTACHMENT A**

**STATE OF ILLINOIS**

**ILLINOIS COMMERCE COMMISSION**

Illinois Bell Company	§	
	§	
	§	
Proposed Implementation of High	§	Docket No. 00-0393
Frequency	§	
Portion of Loop (HFPL)/Line Sharing	§	
Service	§	

**SECOND SET OF DATA REQUESTS OF RHYTHMS LINKS, INC.  
COVAD COMMUNICATIONS COMPANY AND  
SPRINT COMMUNICATIONS, L.P.  
TO ALCATEL USA INC.**

Rhythms Links, Inc. (“Rhythms”), Covad Communications Company (“Covad”) and Sprint Communications, L.P. (“Sprint”) hereby request that Alcatel USA Inc. provide the data, information and documents requested below. These Data Requests are submitted to Alcatel’s counsel of record:

Theodore Shiells  
Daniel Chalker  
Gardere, Wynne, Sewell, LLP  
Thanksgiving Tower  
1601 Elm Street  
Suite 3000  
Dallas, Texas 75201  
(214) 999-4632 (Telephone)

**INSTRUCTIONS**

Please answer each question separately and in the order that it is asked. The numbers of the answers should correspond to the numbers of the Data Request being answered. Please copy each question immediately before the answer. Following each answer, please identify the person or persons responsible for the answer and indicate what person or witness will sponsor each answer when testimony is filed by your company.

Please produce the requested documents for inspection and copying unaltered and/or unredacted as they are kept in the usual course of business and organize and label them to correspond to the categories in this request. If any part of a document is responsive to any request, the whole document is to be produced. If there has been any alteration, modification or addition to a document, including marginal notes, handwritten notes, underlining, date stamps, received stamps, attachments, distribution lists, drafts or revisions, each such alteration, modification or addition is to be considered as a separate document and it must be produced.

This request is directed to all documents and information in your custody or control. A document is deemed to be in your custody or control if you have possession thereof. If you are unable to produce a document or information based on a claim that the document is not in your custody or control, state the whereabouts of such document or information when it was last in your possession, custody or control, and the manner in which it was removed from your possession, custody or control.

These questions are continuing in nature, and should there be a change in circumstances which would modify or change an answer supplied by your company, then in such case, you should change or modify such answer and submit such changes answer as a supplement to the original answer.

Rhythms, Covad, and Sprint request that Alcatel answer these Data Requests under oath or stipulate in writing that its Data Request responses can be treated exactly as if they were filed under oath.

**Privilege.** If you claim a privilege, or otherwise decline to produce or provide, any document or information responsive to one or more of the following categories, in addition to, and not in lieu of, any procedure that you must follow under law to preserve your objection(s) and/or privilege(s), within five (5) days after receiving the request for information, the attorney asserting the privilege shall:

- a. identify in the objection to request for information, or sub-part thereof, detailed reasons for your claim of privilege or other basis for protecting the document or information from disclosure; and the nature of the privilege (including work product) that is being claimed; and
- b. provide the following information in the objection, unless divulgence of such information would cause disclosure of the allegedly privileged information:
  - (i) **for documents:** (1) the type of document; (2) subject matter of the document; (3) the date of the document; (4) the number of pages in the document; (5) the location or custodian of the document (6) such other information as is sufficient to identify the document for a subpoena *duces tecum*, including, where available, the name(s), address(es) and telephone number of the author(s) of the document and all recipient(s), and, where not apparent, the relationship of the author and addressee to each other;
  - (ii) **for oral communications:** (1) the name(s), address(es) and phone number(s) of the person making the communication and the name(s), address(es) and phone number of the persons present while the communication was made; (2) the relationship of the person(s) present to the person(s) making the communication; (3) the date and place of each communication; (4) the general subject matter of the communication.

**Confidential Information:** In the event that any requested information is considered by Alcatel to be confidential, the attorney asserting such confidential status shall inform Rhythms, Covad, and Sprint of this designation as soon as he or she becomes aware of it, but in any event, prior to the time the responses to the requests for information are due to discuss or negotiate a compromise. However, the confidential

documents should be produced pursuant to the Protective Order issued and executed in this proceeding.

Pursuant to Hearing Examiner Woods' ruling during the status conference on May 11, 2001, answers to these requests for information are to be provided within five (5) days after receiving these requests. Any request for information received by Alcatel prior to 5 p.m. Central Savings Time, will be deemed received on the date of service. These Data Requests are being submitted to Alcatel jointly by multiple parties in this proceeding. Service of responses, and all notifications, shall be separately made for each such party, and should be made in person or by facsimile or email to:

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### **DEFINITIONS**

The terms "Ameritech Illinois" or "Ameritech" or "company" as used herein refers to Illinois Bell Telephone Company d/b/s Ameritech Illinois including any of its parent or subsidiary corporations, and the employees, agents, representatives, consultants of Ameritech Illinois'.

The terms “Southwestern Bell Corporation” or “SBC” refers to the parent corporation of Ameritech Illinois.

The term “document,” as used herein, shall mean all written, reported, recorded or graphic matter, however produced or reproduced, which is now, or was at any time, in the possession, custody, or control of Alcatel including, but not limited to, all reports, memoranda, notes (including reports memoranda, notes of conversations and conferences), financial reports, data records, letters, envelopes, telegrams, messages, electronic mail (e-mail), studies, analyses, books, articles, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, accounts, pamphlets, pictures, films, maps, work papers, arithmetical computations, minutes of all communications of any type (including inter- and intra-office communications), purchase orders, invoices, statements of account, questionnaires, surveys, graphs, printouts, and other data compilations from which information can be obtained, including drafts of the foregoing items and copies or reproductions of the foregoing upon which notations and writing have been made which do not appear on the originals.

“Relate, mention, reference, or pertain” shall be used to mean documents containing, showing, relating, mentioning, referring or pertaining in any way, directly or indirectly to, or in legal, logical, or factual way, connection with a documents request, and includes documents underlying, supporting, now or previously attached or appended to, or used in the preparation of any document called by such request.

The term “communication” includes, without limitation of its generality, correspondence, email, statements, agreements, contracts, reports, white papers, users guides, job aids, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions and symposia, whether written or oral. The term includes, without limitation of its generality, both communications and statements which are face-to-face and those which are transmitted by documents or by media such as intercoms, telephones, television, radio, electronic mail or the Internet.

The terms “cost study,” or “cost studies,” “cost model” and “cost analyses” means the detailed development of a rate element or of rate elements through a methodology based upon engineering, operational, economic, accounting, or financial inputs, plus support for the sources of the inputs or support for the deviations of the inputs, that enables a person using the study, studies, model or analyses to start with the support for each input and then to trace the support to the input, and then be able to trace the input through the methodology to the resulting cost and then to the resulting rate element. The terms “cost study,” or “cost studies,” “cost model” and “cost analyses” do not refer to an embedded cost study.

The terms “you,” “your,” and “yours” means Alcatel, including all affiliates, subsidiaries, officers, agents, attorneys, employees, representatives, agents, and consultants.

### **REQUESTS FOR INFORMATION**

**REQUEST NO. 1:** With reference to recent news stores published on or about June 26, 2001 to June 29, 2001 (including but not limited to Le Monde and the Wall Street Journal Europe) reporting that Alcatel plans to sell most of its manufacturing plants by the end of 2002 and outsource manufacturing of its products to third parties please, provide the following information:

1. The location of each manufacturing facility that currently manufactures plug-in line cards for the Alcatel Litespan NGDLC equipment;
2. The type of plug-in line card currently manufactured by each such facility (e.g. ADLU, ISDN, POTS, HDSL, HDSL-2, etc.);
3. Whether each facility that currently manufactures plug-in line cards for Alcatel’s NGDLC will be closed, sold to a third party, or otherwise no longer be directly owned by Alcatel;
4. The location of each manufacturing facility that currently manufactures the Alcatel Litespan NGDLC equipment;
5. The type of Litespan NGDLC equipment currently manufactured by each such facility;

6. Whether each such facility that currently manufactures Alcatel's Litespan NGDLC equipment will be closed, sold to a third party, or otherwise no longer be directly owned by Alcatel.

**REQUEST NO. 2:** Please provide all communications or documents provided by Alcatel to SBC or Ameritech-Illinois and/or provided by SBC or Ameritech-Illinois to Alcatel regarding Alcatel's decision to sell its manufacturing plants, including but not limited to, any discussion or analysis of any effect of such plant sales on the supply of line cards for the Litespan NGDLC equipment deployed by SBC in Project Pronto.

**REQUEST NO. 3:** Please provide all communications or documents provided by Alcatel to SBC or Ameritech-Illinois and/or provided by SBC or Ameritech-Illinois to Alcatel regarding any inquiry by SBC and/or Ameritech-IL to produce line cards for types of xDSL other than ADSL, for the Litespan NGDLC equipment deployed by SBC in Project Pronto.

Dated: July 9, 2001

[signature page to follow]

Respectfully submitted,

By: \_\_\_\_\_  
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